

1 TOBIN & TOBIN  
PAUL E. GASPARI, ESQ., SBN #76496  
2 GREGORY J. RYKEN, ESQ., SBN # 058199  
DANIEL C. ZAMORA, ESQ., SBN # 224375  
3 500 Sansome Street, 8th Floor  
San Francisco, CA 94111-3211  
4 Telephone: (415) 433-1400  
Facsimile: (415) 433-3883  
5 Email: pgaspari@tobinlaw.com  
gryken@value.net  
6 dzamora@tobinlaw.com

7 Attorneys for Plaintiff,  
BETTER HOMES REALTY, INC.

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA

11 BETTER HOMES REALTY, INC.,

12 Plaintiff,

13 v.

14 LAWRENCE VECCHIO, VRI REALTY,  
INC.,

15 Defendants.  
16  
17

CASE No. C07 3058 PJH

DENIED

**STIPULATION & [PROPOSED] ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE, INITIAL DISCLOSURE  
PERIOD, AND ADR CERTIFICATION**

1 WHEREAS the Initial Case Management Conference in this action is currently scheduled  
2 for February 7, 2008;

3 WHEREAS, initial disclosures are currently scheduled to be made on, and the Joint Case  
4 Management Statement must currently be filed by, January 31, 2008;

5 WHEREAS, the ADR Certification must currently be filed on January 24, 2008;

6 WHEREAS plaintiff BETTER HOME REALTY, INC. ("Plaintiff") and Defendants  
7 LAWRENCE VECCHIO and VRI REALTY, INC. ("Defendants") by and through their  
8 principals, have been, and are still, negotiating the final details of a comprehensive settlement  
9 agreement, which will incorporate both a licensing agreement and a franchise agreement;

10 WHEREAS, the Parties have exchanged draft documentation with each other, and both  
11 Plaintiff and Defendant wish to continue with their negotiations regarding the licensing and  
12 franchise agreements and anticipated trademark use agreements with third parties to facilitate  
13 settlement, and are optimistic that such a comprehensive agreement will result in settlement of  
14 the entire action;

15 WHEREAS, during the pendency of their negotiations, Plaintiff and Defendants both  
16 desire to avoid the additional attorneys' fees and costs of preparing initial disclosures, drafting a  
17 Joint Case Management Statement, selecting a form of ADR, and appearing at the Case  
18 Management Conference;

19 THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiff and Defendants,  
20 through their respective counsel of record, that the Initial Case Management Conference be  
21 continued to Thursday, March 6, 2008 at 2:30 p.m. in Courtroom 2, the Hon. Phyllis J. Hamilton  
22 presiding.

23 IT IS FURTHER STIPULATED that initial disclosure due date and the due date for filing  
24 the Joint Case Management Statement, respectively, be continued to February 28, 2008, and that  
25 the due date for filing the ADR Certification be continued to February 21, 2008.  
26

1 Dated: January 23, 2008

TOBIN & TOBIN

2  
3 By: /s/

4 Paul E. Gaspari, Esq. SBN 76496  
5 Attorneys for Plaintiff  
6 BETTER HOMES REALTY, INC.

7 Dated: January 23, 2008

KRIEG, KELLER, et al.

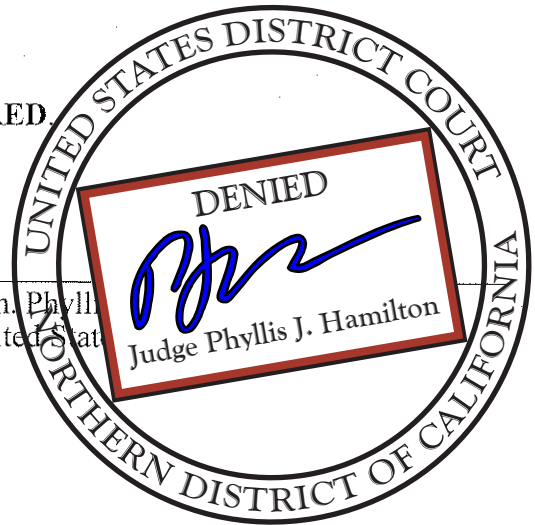
8 By: /s/

9 Kenneth E. Keller, Esq. SBN 71450  
10 Attorneys for Defendants  
11 LAWRENCE VECCHIO and  
12 VRI REALTY, INC.

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14  
15 Dated: 1/25/08

16 Hon. Phyllis  
17 United States



PROOF OF SERVICE

CASE NAME: Better Homes Realty, Inc. v. Lawrence Vecchio, et al.  
COURT: United States District Court, Northern District of California  
CASE NO.: C07 3058 HRL

I, Marilyn J. Cooper, declare:

I am over the age of eighteen years and not a party to the cause. I am employed by the law firm of Tobin & Tobin, 500 Sansome Street, 8th Floor, San Francisco, California 94111-3211.

On January 23, 2008, I served the documents described as: **STIPULATION & [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE, INITIAL DISCLOSURE PERIOD, AND ADR CERTIFICATION** on the parties in this matter by placing a true copy thereof in a sealed envelope(s) addressed as follows:

Gregg A. Paradise, Esq.  
Lerner, David, Littenberg, Krumholz &  
Mentlik, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
Tel: (908) 654-5000  
Fax: (908) 654-7866  
*Attorneys for Defendants Lawrence Vecchio and VRI Realty, Inc.*

Kenneth Keller, Esq.  
Krieg Keller, et al., LLP  
114 Sansome Street, Floor 4  
San Francisco, California 94104-3803  
Tel: (415) 249-8330  
Fax: (415) 249-8333  
*Attorneys for Defendants Lawrence Vecchio and VRI Realty, Inc.*

Service of the above document(s) was effectuated by the following means of service:

XX **By First Class Mail** -- I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. It is deposited with the United States Postal Service in the ordinary course of business on the same day it is processed for mailing. I caused such envelope(s) to be deposited in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

XX **Federal Court** -- I declare under penalty of perjury that the foregoing is true and correct and that service was made under the direction of a member of the bar of this Court who is admitted to practice and is not a party to the cause.

Executed this January 23, 2008, at San Francisco, California.

  
Marilyn J. Cooper